

MEETINGS TO DATE 24
NO. OF REGULARS 19
NO. OF SPECIALS 5

LANCASTER, NEW YORK
SEPTEMBER 30, 1974

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York, on the 30th day of September, 1974 at 8:00 P.M. and there were

PRESENT: LEO N. WEIMER, SUPERVISOR
JOSEPH R. BARNHARDT, COUNCILMAN
EDWARD A. BERENT, COUNCILMAN
PETER J. BOLENDER, COUNCILMAN
ARTEL J. METZ, COUNCILMAN

ABSENT: NONE

ALSO PRESENT: ROBERT P. THILL, TOWN CLERK
DOMINIC J. TERRANOVA, TOWN ATTORNEY
TIMOTHY J. DWAN, DEPUTY TOWN ATTORNEY
EDWARD J. FERON, JR., TOWN ENGINEER
JOHN F. LUME, HIGHWAY SUPERINTENDENT
VICTOR H. OTT, POLICE CHIEF
WILLIAM F. DOUGHERTY, JR., BUILDING INSPECTOR

PUBLIC HEARING SCHEDULED FOR 8:00 P.M.:

At 8:00 P.M. the Town Board held a Public Hearing to hear all interested parties and citizens for or against the proposed 1975 Special Districts Budget.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

PROPONENTS:

ADDRESS

None

OPPONENTS:

ADDRESS

None

ON MOTION BY COUNCILMAN BARNHARDT, AND SECONDED BY COUNCILMAN BOLENDER AND CARRIED, by unanimous roll call vote, the Public Hearing was closed at 8:04 P.M.

PUBLIC HEARING SCHEDULED FOR 8:15 P.M.:

At 8:15 P.M. the Town Board held a Public Hearing to hear all interested parties and citizens for or against the rezone petition of St. Adalbert's R. C. Church for premises located on the northwest corner of Broadway and Schwartz Road.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

The Town Clerk presented copies of letters which were mailed Certified Mail, Return Receipt Requested, to the Petitioner, the Architect for the Petitioner, and the Erie County Department of Planning notifying these individuals of the time and place of this Public Hearing.

The Town Clerk presented a Zoning Coordination Referral from the Erie County Department of Planning wherein the Department acknowledged receipt of a Notice of this Public Hearing and commented as follows:

2. "The proposed zoning action is subject to review; the Department has no objection thereto. Based on the information received."

The Town Clerk presented a letter from Tryon and Schwartz, retained consultants of the Town of Lancaster, to the Planning Board recommending a favorable review of this proposed rezone.

The Town Clerk presented a letter from the Town of Lancaster Planning Board to the Town Board recommending approval of the proposed rezone.

PROPONENTS:

ADDRESS

Mrs. Edith Fuldauer

12 Clark Street, Lancaster, New York

Mr. Ronald W. Bugaj,
Architect for Petitioner

39 Brenner Drive, Hamburg, New York

OPPONENTS:

ADDRESS

None

ON MOTION BY COUNCILMAN METZ, AND SECONDED BY COUNCILMAN BOLENDER AND CARRIED, by unanimous roll call vote, the Public Hearing was closed at 8:25 P.M.

OFFICIAL REPORTS:

The Town Clerk reported that the following department of the Town of Lancaster has filed with him their Monthly Reports as follows:

<u>DEPARTMENT</u>	<u>MONTH OR MONTHS OF</u>
Zoning Inspector	July, 1974 August, 1974

The Town Clerk reported that the following Board of the Town of Lancaster has filed with him minutes of their meeting as follows:

Planning Board	Meeting #15, September 4, 1974
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The Town Clerk reported that the Supervisor has completed and filed with him the "1975 Budget Officer's Tentative Budget" and in accordance with Section 106(3) of the Town Law he is presenting this 1975 Tentative Budget to the Town Board.

The Supervisor at this time presented and read his 1975 Budget Message which was ordered R & F.

COMMITTEE REPORTS:

Councilman Berent, for the Fire Committee, reported that his Committee has had numerous discussions with the four (4) fire companies with which the Town of Lancaster contract for protection, and that a new distribution of funds formula has been agreed upon and will be forthcoming shortly.

PRESENTATION OF RESOLUTIONS BY COUNCILMEN:

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BARNHARDT , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BOLENDER , TO WIT:

RESOLVED, that the minutes of the Regular Meeting of the Town Board
held on September 16, 1974, as presented by the Town Clerk, be and hereby are
approved.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN METZ	VOTED	YES
SUPERVISOR WEIMER	VOTED	YES

~~amx~~
The resolution was thereupon unanimously adopted.

September 30, 1974

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BOLENDER , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
METZ , TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has considered
and reviewed the 1975 budget estimates and assessment roll for Special Districts,
spreading costs on a benefit basis, and

WHEREAS, a public hearing on said 1975 budget estimates and
assessment roll, pursuant to Legal Notice duly published and posted, has been
held by the Town Board of the Town of Lancaster,

NOW, THEREFORE, BE IT

RESOLVED, that the 1975 budget estimates and assessment roll for
Special Districts, spreading costs on a benefit basis, be and hereby is adopted
as the final 1975 Budget for Special Districts, spreading costs on a benefit
basis, and

BE IT FURTHER

RESOLVED, that said final budget as adopted be filed in the Office
of the Town Clerk.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN METZ	VOTED	YES
SUPERVISOR WEIMER	VOTED	YES

~~duly~~
The resolution was thereupon unanimously adopted.

September 30, 1974

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BERENT , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BARNHARDT , TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has heretofore requested a feasibility study from the Erie County Department of Public Works - Division of Highways relative to the installation of a traffic control device at the intersection of William Street and Bowen Road, and

WHEREAS, said feasibility study has been made and recommendation made for the installation of a flasher signal at said intersection, and

WHEREAS, the Chief of Police, by letter dated January 25, 1974, has recommended to the Town Board the acceptance of said feasibility study and recommendation of the Erie County Department of Public Works - Division of Highways relative to the installation of said flasher signal at said intersection of William Street and Bowen Road and permit for said installation has been received,

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Section 130 of the Town Law of the State of New York, a public hearing on the amendment to the Vehicle & Traffic Ordinance of the Town of Lancaster, County of Erie, State of New York, designated Chapter 46 of the Code of the Town of Lancaster to provide for the said flasher signal, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 14th day of October, 1974, at 8:00 o'clock P.M., Eastern Daylight Time, and that Notice of the time and place of such hearing be published in the Lancaster Enterprise-Journal, the official newspaper, and be posted on the Town Bulletin Board, which Notice shall be in the following form:

LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER

LEGAL NOTICE IS HEREBY GIVEN that pursuant to the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 30th day of September, 1974, the said Town Board will hold a Public Hearing on the 14th day of October, 1974, at 8:00 o'clock P.M., Eastern Daylight Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the following proposed amendment to Article IV - Traffic Control Signals - to the Vehicle and Traffic Ordinance of the Town of Lancaster, Erie County, State of New York, Designated Chapter 46 of the Code of the Town of Lancaster:

ARTICLE IV - Traffic Control Signals - is hereby amended by adding thereto:

Sec. 46-4.1

Flashing signals shall be installed, maintained and operated in accordance with the provisions as set forth in Sections 310 of the Manual of Uniform Traffic Control Devices of the State of New York, at the following intersection:

A. William Street and Bowen Road

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

TOWN BOARD OF THE
TOWN OF LANCASTER

By: ROBERT P. THILL
Town Clerk

September 30, 1974

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED YES
COUNCILMAN BERENT	VOTED YES
COUNCILMAN BOLENDER	VOTED YES
COUNCILMAN METZ	VOTED YES
SUPERVISOR WEIMER	VOTED YES

The resolution was thereupon unanimously adopted.

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BARNHARDT , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BERENT , TO WIT:

WHEREAS, the Building Inspector of the Town of Lancaster has requested authorization to attend the Annual School for Building Officials conducted by the Housing and Building Codes Bureau of the Division of Housing and Community Renewal, to be held at Hamburg, New York, each Tuesday afternoon for a period of eight weeks, commencing October 15, 1974, and

WHEREAS, it is deemed in the public interest that such authorization be granted,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Building Inspector of the Town of Lancaster to attend the Annual School for Building Officials as set forth above, with reimbursement for actual and necessary expenses not to exceed \$100.00.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows: .

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN METZ	VOTED	YES
SUPERVISOR WEIMER	VOTED	YES

xux

The resolution was thereupon unanimously adopted.

September 30, 1974

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BERENT , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BARNHARDT , TO WIT:

WHEREAS, the Chairman of the Town of Lancaster Youth Bureau has requested authorization for the attendance of three members of the Youth Bureau at the State Division for Youth Workshop Conference to be held in Albany, New York, October 16, 17 and 18, 1974, and

WHEREAS, it is deemed in the public interest that such authorization be granted,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes Anthony V. D'Amore, Chairman, Mary Lucariello, Executive Director, and Chester Tomczak, Vice-Chairman, of the Town of Lancaster Youth Bureau to attend the Youth Workshop in Albany, New York, on the dates specified above, with reimbursement for actual and necessary expenses not to exceed \$350.00 in the aggregate.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN METZ	VOTED	YES
SUPERVISOR WEIMER	VOTED	YES

xduky

The resolution was thereupon unanimously adopted.

September 30, 1974

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BARNHARDT, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BERENT, TO WIT:

WHEREAS, persons in charge of the various Departments of the Town Government have submitted estimates of revenues and expenditures for the year 1975, and

WHEREAS, the Town Board has reviewed the estimates as prepared and filed by the various Departments and has met with said Department Heads relative to said estimates and made certain changes thereto,

NOW, THEREFORE, BE IT

RESOLVED, that the Public Hearing on the said preliminary budget of the Town of Lancaster for the year 1975 be held by this Town Board at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 28th day of October, 1974, at 8:00 o'clock P.M., Eastern Time, and

BE IT FURTHER

RESOLVED, that the necessary Notice of said Public Hearing upon the 1975 Preliminary Budget, as required by Section 108 of the Town Law of the State of New York, be published in the Lancaster Enterprise-Journal, the official newspaper on October 17, 1974, and be posted on the Town Bulletin Board.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN METZ	VOTED	YES
SUPERVISOR WEIMER	VOTED	YES

~~duh~~
The resolution was thereupon unanimously adopted.

September 30, 1974

LEGAL NOTICE
TOWN OF LANCASTER
NOTICE OF PUBLIC HEARING
UPON THE 1975
PRELIMINARY BUDGET

NOTICE IS HEREBY GIVEN that the preliminary budget of the Town of Lancaster for the fiscal year beginning January 1, 1975, has been completed and filed in the Office of the Town Clerk at the Town Hall, 21 Central Avenue, Lancaster, New York, where it is available for inspection by any interested person during office hours.

FURTHER NOTICE IS HEREBY GIVEN that the Town Board of the Town of Lancaster will meet and review said preliminary budget and hold a public hearing thereon at the Town Hall, 21 Central Avenue, Lancaster, New York, at 8:00 o'clock P.M., Eastern Time, on the 28th day of October, 1974, and at such hearing any person may be heard in favor of or against the preliminary budget as compiled, or for or against any item or items therein contained.

Pursuant to Section 108 of the Town Law, the proposed annual salaries of the following town officers are hereby specified as follows:

Supervisor	\$ 15,434.00
Four (4) Councilmen	5,512.00 each
Town Clerk:	
(a) as Town Clerk	14,706.00
(b) as Clerk to Zoning	315.00
Board of Appeals	
Superintendent of Highways:	
(a) as Highway Supt.	13,998.00
(b) as Sewer Supt.	800.00

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF LANCASTER

ROBERT P. THILL,
Town Clerk

September 30, 1974

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BERENT, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BARNHARDT, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has received a petition from numerous residents of Seneca Place in the Town of Lancaster requesting a lower speed limit on said Seneca Place due to dangerous conditions to the children of the area, and

WHEREAS, the Chief of Police of the Town of Lancaster has made a study of Seneca Place and the surrounding area streets and made recommendations in connection therewith,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster, in conjunction with the County of Erie, petition the New York State Department of Transportation to make a study of all streets north of Walden Avenue and east and west of Central Avenue in the Town of Lancaster, including the Kennedy Court Subdivision, with a view toward a lowering of the maximum speed limit from the present thirty (30) miles per hour, and

BE IT FURTHER

RESOLVED, that the Town Clerk make such petition to the New York State Department of Transportation and forward a copy of the petition of the residents of Seneca Place in the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN METZ	VOTED	YES
SUPERVISOR WEIMER	VOTED	YES

~~xxx~~

The resolution was thereupon unanimously adopted.

September 30, 1974

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCILMAN BOLENDER, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCILMAN
METZ , TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered
paid from their respective accounts:

<u>ACCOUNT</u>	<u>ORDER NUMBER</u>	<u>TOTAL AMOUNT</u>
General Funds	No. 1020 to 1068 Incl.	\$ 32,646.68
Special District Funds	No. 76 to 79 Incl.	32,486.49
Part Town Funds	No. 79 to 83 Incl.	1,042.74
Highway Funds	No. 224 to 231 Incl.	117,375.98
Trust & Agency Funds	No. 37 to 37 Incl.	618.96
Federal Revenue Sharing	No. 4 to 4 Incl.	106,000.00
Capital Fund	No. 28 to 29 Incl.	17,176.39

The question of the adoption of the foregoing resolution was duly put
to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES
COUNCILMAN BERENT VOTED YES
COUNCILMAN BOLENDER VOTED YES
COUNCILMAN METZ VOTED YES
SUPERVISOR WEIMER VOTED YES

~~xxx~~
The resolution was thereupon unanimously adopted.

September 30, 1974

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCILMAN METZ, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCILMAN
BOLENDER, TO WIT:

RESOLVED, that the following Building Permit Applications be and are
hereby approved and the issuance of Building Permits be and are hereby
authorized:

<u>NO.</u>	<u>NAME</u>	<u>ADDRESS</u>	<u>STRUCTURE</u>
114	Joseph Kupka	759 Erie Street	ER. FR. PVT. GAR.
115	Marrano Real Estate	5135 Transit Road	ER. STL. PLYWOOD SIGN
116	August Klein	5454 Genesee Street	EX. CONC. BLK. WHSE.
117	John Trzepacz	3684 Walden Avenue	ER. DEM. FR. ENTRANCE
118	Casey Dolatowski	410 Pleasant View	DEM. FR. BARN
119	James Diggins	208 Iroquois Avenue	ER. FR. ENTRANCE

The question of the adoption of the foregoing resolution was duly put
to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN METZ	VOTED	YES
SUPERVISOR WEIMER	VOTED	YES

~~and~~

The resolution was thereupon unanimously adopted.

September 30, 1974

STATUS REPORTS ON UNFINISHED BUSINESS:

1. Tax Abatement - Police Services - County Sheriff's Department

The Town Attorney reported that he has reviewed the Comptroller's most recent opinions relative to this type of tax abatement and that he concurs with the Comptroller's conclusion that state legislation is necessary for counties to afford this tax relief to local municipalities. He recommended that the Town Board along with other Town Board's support state legislation along these lines.

The Town Clerk was directed to remove this item from the future Agendas of the Town Board.

2. Signalization - Bowen and William

On September 30, 1974 the Town Board set a Public Hearing on the installation of a traffic light at this location for Monday, October 14, 1974.

3. Signalization - Walden and Ransom

Councilman Berent reported on September 30, 1974 that he is still working with the County on cost estimates for the preparation of specifications for the installation of a light at this location.

4. Reduced Speed Limit - Seneca Place

On September 30, 1974 the Town Board adopted a resolution directing the Town Clerk to request a traffic survey of this area from the New York State Department of Transportation.

5. Rezone Petition - St. Adalbert's R. C. Church

On September 30, 1974 the Town Board held a Public Hearing on this rezone petition and reserved decision.

6. Special Cemetery Use Permit - St. Adalbert's R. C. Church

On September 3, 1974 the Town Board referred this petition to the Planning Board for review and report to the Town Board.

PERSONS ADDRESSING THE TOWN BOARD:

None

COMMUNICATIONS:DISPOSITION

- | | |
|---|--|
| 290. Town Clerk to Town Board -
Resume of actions taken in response to
resolutions and directives - Meeting,
September 16, 1974. | <u>R & F</u>

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| 291. Depew Village Attorney to Town Attorney -
Re: Maintenance of St. James Street
Bridge. | <u>Town Attorney</u>

_____ |
| 292. Krehbiel, Guay, Rugg, Hall to Town Board -
Re: Engineering Annual Contract -
Fiscal Year 1975. | <u>Budget Committee</u>

_____ |
| 293. Building Inspector to Town Board -
Request authorization to attend
Annual School for Building Officials
at Hamburg, New York, 8 weeks beginning
October 15, 1974 at cost not to exceed
\$100.00. | <u>R & F</u>

_____ |
| 294. County Dept. of Public Works to Town Board -
Request accident reports for locations
listed on attached Accident Totals Form. | <u>Police Chief</u>
<u>Police Committee</u>

_____ |
| 295. Town Clerk to Town Board -
Re: Lincoln Elementary School - Polling
Place District Nos. 14 and 21. | <u>R & F</u>

_____ |
| 296. Receiver of Taxes to Assistant Supt. for
Business, Lancaster Central Schools -
Re: Transfer of school tax monies to
schools. | <u>R & F</u>

_____ |
| 297. Supervisor to Town Board -
Re: Investment of \$246,000.00 at
M & T on September 17, 1974 for total
dollar earnings of \$4,496.33. | <u>R & F</u>

_____ |
| 298. Chairman, Youth Bureau to Supervisor -
Request authorization for Executive
Director, Chairman and Vice Chairman
to attend State Division for Youth
Workshop Conference in Albany on
October 16, 17, and 18. | <u>R & F</u>

_____ |
| 299. County Traffic Engineer to State Regional
Traffic Engineer -
Re: Walden Avenue Speed Limit. | <u>Police Chief</u>
<u>Police Committee</u>

_____ |
| 300. Erie & Niagara Counties Regional Planning
Board to Supervisor -
Transmittal - Proposed resolution
concerning adoption of 1990 Regional
Trafficways Classification System. | <u>Chairman, Planning Brd.</u>
<u>Planning Committee</u>


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ADJOURNMENT:

ON MOTION OF COUNCILMAN BOLENDER, AND SECONDED BY THE ENTIRE TOWN BOARD AND CARRIED, the meeting was adjourned at 8:40 P.M. out of respect to:

FREDA TAMMADGE
MARY A. MARINO

Signed


Robert P. Thill, Town Clerk